

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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ROBERT R. DI CIO  
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W.D. OF TN, MEMPHIS

MEMPHIS-SHELBY COUNTY  
AIRPORT AUTHORITY, et al.,

Plaintiffs,

v.

✓ No. 03-2649 B CONSOLIDATED

UNITED STATES FIRE INSURANCE  
CO.,

Defendant.

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ONEBEACON AMERICAN INSURANCE  
COMPANY, et al.,

Plaintiffs,

v.

No. 04-2432 B

JACO AIRFIELD CONSTRUCTION,  
INC., et al.,

Defendants.

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ORDER AFFIRMING DECISION OF THE MAGISTRATE JUDGE  
AND ORDER OF REFERENCE

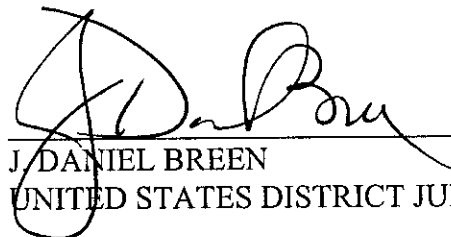
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On March 2, 2005, Magistrate Judge S. Thomas Anderson entered an order granting the motion of the Plaintiffs, OneBeacon America Insurance Company, Commercial Union Insurance Company and American Central Insurance Company (collectively, "OneBeacon"), to compel the Defendant, JACO Airfield Construction, Inc. ("JACO"), to adequately respond to requests for discovery. Following entry of the order, objections were filed by the Defendant, to which OneBeacon has responded. Upon a review of all of the relevant pleadings, the Court concludes that

the magistrate judge's findings were neither clearly erroneous nor contrary to law. See Fed. R. Civ. P. 72(a). Accordingly, JACO's objections are OVERRULED and the magistrate judge's order is AFFIRMED.

In addition, OneBeacon, in its response to the objections filed by the Defendant, seeks an award of reasonable attorneys' fees incurred by its counsel in moving to compel and in responding to JACO's objections to the magistrate judge's order. The fee request is hereby REFERRED to the magistrate judge for determination. Any objections to the magistrate judge's order shall be made within ten (10) days after service of the order, setting forth particularly those portions of the order objected to and the reasons for the objections. Failure to timely assign as error a defect in the magistrate judge's order will constitute a waiver of that objection. See Fed. R. Civ. P. 72(a).

IT IS SO ORDERED this 26<sup>th</sup> day of April, 2005.



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J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 34 in case 2:03-CV-02649 was distributed by fax, mail, or direct printing on April 29, 2005 to the parties listed.

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Honorable J. Breen  
US DISTRICT COURT